

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

STAR AUTO SALES OF BAYSIDE, INC. (d/b/a STAR TOYOTA OF BAYSIDE), STAR AUTO SALES OF QUEENS, LLC (d/b/a STAR SUBARU), STAR HYUNDAI LLC (d/b/a STAR HYUNDAI), STAR NISSAN, INC (d/b/a STAR NISSAN), METRO CHRYSLER PLYMOUTH INC. (d/b/a STAR CHRYSLER JEEP DODGE), STAR AUTO SALES OF QUEENS COUNTY LLC (d/b/a STAR FIAT), and STAR AUTO SALES OF QUEENS VILLAGE LLC (d/b/a STAR MITSUBISHI),

Case No.: 1:23-cv-04912-NRM-RML

**DECLARATION OF
KENNETH ROSENFIELD**

Plaintiffs,

-against-

ROSENFIELD & COMPANY, PLLC,

Defendant.

KENNETH ROSENFIELD declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am the founder and principal member of defendant Rosenfield.¹
2. I submit this declaration in further support of Rosenfield's motion to transfer the present case to the Middle District of Florida.
3. Other than as expressly set forth herein, this Declaration is made on personal knowledge.
4. Plaintiffs did not terminate the 4/20/17 Contract prior to April 17, 2020.
5. Upon information and belief, Mike Koufakis is Plaintiffs' principal and has the authority to enter into contracts on Plaintiffs' behalf.

¹ All capitalized terms not herein defined maintain the same meaning ascribed to them in Rosenfield's Motion to Transfer, or in the Alternative, to Dismiss, served October 20, 2023.

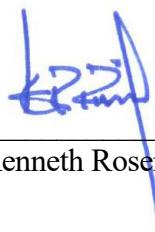
6. Attached hereto as **Exhibit 1** is a true and correct copy of an email I sent to Mike Koufakis on May 25, 2023.

7. Rosenfield never agreed that the “5/25/17 Contract” would supersede the 4/20/17 Contract or abrogate the 4/20/17 Contract’s forum selection and choice of law clause. Instead, the “5/25/17 Contract” merely amended the 4/20/17 Contract’s payment terms, as described in Exhibit 1.

8. After May 25, 2023, Rosenfield invoiced Plaintiffs for its services on an hourly basis, as outlined in Exhibit 1, and Plaintiffs made payment on such invoices until the party’s relationship later deteriorated.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Orlando, Florida
December 13, 2023



Kenneth Rosenfield